

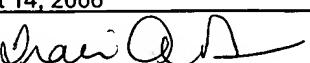


PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 9342-14
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>August 14, 2006</u> Signature 		Application Number 10/519,809
		Filed December 30, 2004
First Named Inventor Igor Miskovic		
Typed or printed name Traci A. Brown	Art Unit 2838	Examiner Aaron C. Piggush
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.		
This request is being filed with a notice of appeal.		
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.		
I am the		
<input type="checkbox"/>	applicant/inventor.	 Signature
<input type="checkbox"/>	assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	D. Scott Moore Typed or printed name
<input checked="" type="checkbox"/>	attorney or agent of record. Registration number <u>42,011</u>	(919) 854-1400 Telephone number
<input type="checkbox"/>	attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	August 14, 2006 Date
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.		

*Total of 1 forms are submitted.

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**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE--EXAMINING GROUP 2838**

In re: Miskovic et al.
Serial No.: 10/519,809
Filed: December 30, 2004
For: SYSTEM AND METHOD FOR POWER CONSUMPTION MANAGEMENT
DURING OPERATION OF AN ELECTRONIC DEVICE

Confirmation No.: 7327

Group Art Unit: 2838

Examiner: Aaron C. Piggush

Date: August 14, 2006

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Traci A. Brown

**REASONS IN SUPPORT OF APPLICANTS' PRE-APPEAL
BRIEF REQUEST FOR REVIEW**

Sir:

This document is submitted in support of the Pre-Appeal Brief Request for Review filed concurrently with a Notice of Appeal in compliance with 37 C.F.R. 41.31 and with the rules set out in the OG of July 12, 2005 for the New Appeal Brief Conference Pilot Program, which have been extended indefinitely

No fee or extension of time is believed due for this request. However, if any fee or extension of time for this request is required, Applicant requests that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

REMARKS

Applicants hereby request a Pre-Appeal Brief Review (hereinafter "Request") of the claims finally rejected in the Final Office Action mailed June 7, 2006 (hereinafter "Final Action"). The Request is provided herewith in accordance with the rules set out in the OG dated July 12, 2005.

Applicants respectfully submit that the rejections of the currently pending claims are clearly erroneous because many of the recitations of the pending claims are not met by the cited reference for at least the reasons discussed herein and in Applicants' previously filed Amendment of March 15, 2006. Therefore, Applicants respectfully request review of the present application by an appeal conference prior to the filing of an appeal brief. In the interest of brevity and without waiving the right to argue additional grounds should this Petition be denied, Applicants will only discuss the recitations of independent Claims 1 and 7.

Independent Claims 1 and 7 are Patentable

Independent Claims 1 and 7 stand rejected under 35 U.S.C. §102(b) as being anticipated by U. S. Patent No. 5,903,254 to Mundt et al. (hereinafter "Mundt").

Claim 1 is directed to a battery-driven electronic device and recites, in part:

means for detecting power consumption that is configured to establish **present power consumption** during operation of the device;
means for presenting data based on the established **current power consumption**;
means for calculating a level indicating parameter value representing the established **current power consumption** as a consumption level in a predetermined scale; and
wherein said presented data comprises an indication of said consumption level in said scale. (Emphasis added).

Independent Claim 7 includes similar recitations. According to the recitations of independent Claim 1 reproduced above, an electronic device includes means for detecting power consumption, means for presenting data based on the current power consumption, and means for calculating a level indicating parameter value that represents the current power consumption on a predetermined scale. The presented data comprises an indication of the consumption level in the scale. As discussed in the "Background" section of the Specification, one problem with conventional battery-driven devices that may be used in

different modes, such as mobile phones, is that it may be difficult to assess the remaining battery time if only the remaining time for a standby mode and/or a conversation mode are indicated. Some embodiments of the present invention may address this problem by determining the present or current power consumption and presenting the present or current power consumption as a consumption level value in a predetermined scale. Advantageously, this may provide an aid for the user to better understand how the battery is drained based on how the device is currently being used (e.g., what application may be running) and may also improve power management. (See, e.g., Specification, page 7, lines 15 - 27).

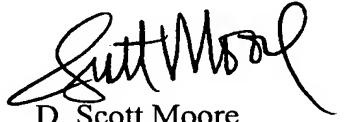
In sharp contrast, Applicants respectfully submit that Mundt does not appear to contain any disclosure of determining the present or current power consumption in a battery-driven electronic device and presenting the power consumption as a consumption level in a predetermined scale. Instead, FIGS. 5A - 5D disclose a water faucet that represents power conservation levels that are used in the notebook computer N. (Mundt, col. 6, lines 56 - 58). That is, the water faucet icon represents a particular operation mode for the notebook computer N, such as whether various features/systems are shut down. (Mundt, col. 6, line 56 - col. 7, line 24). The icons of FIGS. 5A - 5D and the icons of FIG. 4 of Mundt that display the remaining battery energy and remaining time until depletion do not determine the present or current power consumption and present the power consumption as a consumption level in a predetermined scale as recited in independent Claim 1. By determining the present or current power consumption and presenting the power consumption as a consumption level in a predetermined scale, a user may better understand how the battery is drained based on how the device is used, e.g., what applications are being run on the device. The faucet icons of FIGS. 5A - 5D of Mundt do not vary in response to the particular application being run on the notebook computer N, but instead are merely operation mode dependent.

In response to Applicants' amendment mailed March 15, 2006, the Final Action continues to allege that "[i]t is reasonable to interpret the faucet in Figs. 5A-D as the detection and determination of the present power consumption because it is still detecting/determining the power consumption, even if that consumption level is initially activated by the user..." (Final Action, page 6). Applicants continue to submit, however, that the faucet shown in FIGS. 5A - 5D is not a representation of detecting power consumption to establish present power consumption as recited in the independent claims. Instead, it is merely an indication of what power conservation technique is being applied at any given

time, e.g., what peripherals or other circuitry have been shut down. (See, Mundt, col. 6, line 56 - col. 7, line 24). For example, even though the notebook computer is in an energy conservation mode corresponding to FIG. 5C of Mundt, the current power consumption may be greater than if the notebook computer were in an energy conservation mode corresponding to FIG. 5B if a USB port thereof is powering an external disk drive or other peripheral or a particular application were running that consumes excessive amounts of power, such as a graphics intensive application, for example. The icons shown in FIGS. 5A - 5D of Mundt, therefore, cannot be relied upon as an indication of what the current or present power consumption is at any given time. Thus, Applicants submit that Mundt does not disclose or suggest, at least, the recitations of independent Claims 1 and 7 directed to establishing the current or present power consumption, presenting data based on the current power consumption, and calculating a level indicating parameter value that represents the current power consumption on a predetermined scale.

For at least the foregoing reasons, Applicants respectfully request that the present application be reviewed and that the rejection of independent Claims 1 and 7 be reversed by the appeal conference prior to the filing of an appeal brief.

Respectfully submitted,



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